

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FREEDOM MORTGAGE CORPORATION,

Plaintiff,

- against -

RAASHIDA B. PURVIS,

Defendant.

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ROSLYNN R. MAUSKOPF, Chief United States District Judge.

**ORDER ADOPTING REPORT**  
**AND RECOMMENDATION**  
19-CV-1471 (RRM) (AYS)

On March 14, 2019, Freedom Mortgage commenced this foreclosure action against defendant, Raashida Purvis. (Doc. No. 1.) On April 23, 2019, Freedom Mortgage requested entry of a certificate of default of Purvis in light of her failure to plead or otherwise defend this action. (Doc. No. 8.) On April 26, 2019, the Clerk of Court entered default against Purvis. (Doc. No. 9.) On July 31, 2019, Freedom Mortgage moved for default judgment. (Doc. No. 11.) On October 7, 2019, this Court referred Freedom Mortgage's motion for default judgment to Magistrate Judge Shields for a Report and Recommendation ("R&R").

Judge Shields issued an initial R&R on November 4, 2019, and Freedom Mortgage timely objected. (Objection (Doc. No. 21)), Judge Shields issued a revised Report and Recommendation on November 18, 2019, recommending that Freedom Mortgage's motion for default judgment be granted and that Freedom Mortgage be awarded: (1) \$364,817.71 to recover for the unpaid principal balance under the Note, (2) \$9,184.80 to recover for unpaid interest from August 1, 2018, through the date of the Report and Recommendation, (3) per diem pre-judgment interest in the amount of \$32.48 per day until judgment is entered, (4) post-judgment interest pursuant to 28 U.S.C. § 1961(a), (5) \$7,635.21 for amounts due for escrow items, (6) \$806.56 to

recover for costs and disbursements, and (7) attorneys' fees to be determined after the sale of the property.

The November 18, 2019, Report and Recommendation expressly advised the parties that, pursuant to Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1), any objection had to be filed within 14 days. The November 18, 2019, Report and Recommendation was sent to Purvis via overnight mail. (Docs. No. 24–26.) More than 14 days passed from the service of the November 18, 2019, Report and Recommendation, and no objections were filed.

Although Ronald David Weiss filed a notice of appearance in this action on behalf of Purvis in mid-November 2019, neither he nor Purvis filed anything until February 11, 2020, when Mr. Weiss filed a three-sentence letter requesting permission to file a late objection to Judge Shields's Report and Recommendation. (Doc. No. 27.) The purported ground for the request to file the late objection was because "judgment has not been entered." *Id.* Accordingly, in an electronic Order dated February 12, 2020, the Court directed Purvis to file a letter setting forth why Purvis failed to timely object to the Report and Recommendation and the legal and factual bases on which Purvis intends to rely to object to the Report and Recommendation.

Purvis has not provided any reason to extend the time to object. To the contrary, Weiss admitted Purvis received the Report and Recommendation on November 4, 2019, and that he was hired on November 13, 2019. (Doc. No. 28.) Given this timeline, he and Purvis knew of both the November 4, 2019, and the November 18, 2019, Report and Recommendation with enough time to timely object or timely request an extension. Nevertheless, in his letter he did not explain why he failed to timely object but reiterated his request for an extension of time to object to the Report and Recommendation. In addition, he requested permission to move to vacate Purvis's default due to defective service. Pursuant to this Court's Individual Rules, permission is

not required to file a motion to vacate a default judgment. Fed. R. Civ. P. 55(c). Therefore, Purvis could have filed a motion to vacate the default judgment without requesting permission and failed to do so. Purvis has yet to articulate a reason for extending the time to object.

### CONCLUSION

The Court has reviewed Judge Shields' November 18, 2019 R&R for clear error, and finding none, adopts that R&R in its entirety. Accordingly, it is hereby ordered that Freedom Mortgage's motion for default judgment and judgment of foreclosure and sale is granted.

In light of the belated issues raised by Purvis, the Court will stay the entry of judgment. To the extent that she wishes to move to vacate the judgment, Purvis may do so no later than June 15, 2020. Should Purvis fail to seek this or any other relief, judgment shall enter.

SO ORDERED.

Dated: Brooklyn, New York  
May 20, 2020

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
Chief United States District Judge